

AGENDA: May 25, 2004

4.1

CATEGORY: Consent

DEPT.: City Attorney

TITLE: Adoption of Ordinance Relating to
Campaign Finance

RECOMMENDATION

Adopt AN ORDINANCE ADDING ARTICLE XII, SECTION 2.100 ET SEQ. TO CHAPTER 2 RELATING TO CAMPAIGN FINANCE. (First reading: 7-0)

FISCAL IMPACT

There will be some additional minor impacts to staff resources in the City Clerk's Office as a result of implementing this ordinance.

BACKGROUND AND ANALYSIS

On May 11, 2004, the City Council introduced the proposed ordinance (Attachment A). The introduction came after some months of study by the Council and the Council Procedures Committee on various alternatives and approaches aimed at enhancing the credibility and accessibility of information in the local election process. The proposed ordinance requires all candidates, officeholders and committees participating in local elections for City Council that are required to file campaign disclosure reports under State law to also file them with the City Clerk's Office. The ordinance lowers the reporting threshold for campaign contributions from \$100 or more to \$50 or more; it includes a contribution cutoff date which is set at 5:00 p.m. on Tuesday prior to the election and requires an additional campaign disclosure statement to be filed with the City Clerk on or before 5:00 p.m. on Thursday before the election. Finally, the ordinance includes a penalty or disincentive for violation of the voluntary expenditure limit by requiring the posting of a notice of violation on the City's web site and at a location within City Hall and for the forwarding of the notice to a newspaper of general circulation.

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PUBLIC NOTICING – Agenda posting.

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Attachment: A. Ordinance

ORDINANCE NO.

AN ORDINANCE ADDING ARTICLE XII, SECTION 2.100 ET SEQ.,
TO CHAPTER 2 RELATING TO CAMPAIGN FINANCE

THE PEOPLE OF THE CITY OF MOUNTAIN VIEW DO ORDAIN AS FOLLOWS:

Section 1. Section 2.100 of the Mountain View City Code is hereby added to read:

"SEC. 2.100. Purpose.

This Article requires greater disclosure in local elections and is aimed at eliminating the possibility of corruption or the appearance of corruption; lessen the potentially corrupting pressures on candidates, office holders and committees for fundraising; and to improve the disclosure of contribution sources in reasonable and effective ways and to help restore public trust in governmental electoral institutions."

Section 2. Section 2.101 of the Mountain View City Code is hereby added to read:

"SEC. 2.101. Campaign disclosure reports.

All candidates, office holders and committees participating in local elections for the city council that are required to file campaign disclosure reports under the Political Reform Act, Government Code 81000, et seq., shall also file said disclosure reports with the city clerk's office on the same date the filing is required by State law. Hard copies of all campaign disclosure reports shall be available for review in the city clerk's office, Monday through Friday, during regular business hours. The name of candidates and committees with a direct link to the campaign reports submitted by each candidate or committee shall be available on the city's web site within five (5) business days from the date of receipt of the reports by the city clerk. A final disclosure report shall be filed as required by Section 2.103.B."

Section 3. Section 2.103 of the Mountain View City Code is hereby added to read:

"SEC. 2.102. Campaign disclosure threshold.

All candidates, office holders and committees participating in local elections for the city council that are required to file campaign disclosure reports under the Political Reform Act, Government Code 81000, et seq., shall disclose all contributions of Fifty Dollars (\$50) or more on all campaign disclosure reports filed with the city clerk.

Section 4. Section 2.104 of the Mountain View City Code is hereby added to read:

"SEC. 2.103. Contribution cut-off; final disclosure report.

A. No candidate, including the candidate's controlled committee, and no committee primarily formed to support or oppose a candidate or candidates for the city council, shall accept any contributions after 5:00 p.m. on the Tuesday prior to the election.

B. Each candidate, including the candidate's controlled committee and a committee formed primarily to support or oppose a candidate or candidates for the city council, shall file a final disclosure report disclosing all contributions of Fifty Dollars (\$50) or greater with the city clerk on or before 5:00 p.m. on the Thursday before the election."

Section 5. Section 2.105 of the Mountain View City Code is hereby added to read:

"SEC. 2.104. Penalties.

Any violation of the voluntary expenditure limit shall, within seventy-two (72) hours of the city's knowledge of the violation, be:

- a. Forwarded to a newspaper of general circulation for publication;
- b. Posted on the city's web site; and
- c. Posted at a reasonably accessible location at City Hall."

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